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INFO RUEHZK/ECOWAS COLLECTIVE PRIORITY
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 0315
RUEHLO/AMEMBASSY LONDON PRIORITY 0556
RUEHSA/AMEMBASSY PRETORIA PRIORITY 1919
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SIPDIS

STATE FOR AF/W, INL/C, INL/AAE, AND INR
BAGHDAD FOR DMCCULLOUGH

E.O. 12958: DECL: 05/13/2017
TAGS: [CVIS](#) [KCRM](#) [PGOV](#) [KCOR](#) [NI](#)
SUBJECT: NIGERIA: EFCC AMENDMENT BILL REFERRED TO
COMMITTEE, NOTHING TO GET EXCITED ABOUT

REF: STATE 81854

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b
& d).

11. (C) Summary: A bill to amend the Economic and Financial Crimes Commission (EFCC) Act, privately sponsored by Chairman of the House Judiciary Committee Henry Dickson, passed its "second reading" (meaning that it has been referred to the appropriate committee for detailed review) at the House of Representatives on May 20. On paper, this new bill would sever official outside influences, making the EFCC a more independent institution. It would also result in placing significant power and wealth into the hands of the EFCC Chairmanship. While some legislators, such as the Chairman of the Senate Committee on Anti-Corruption, Sola Akinyede, are hopeful the bill will be supported by the President, we believe this is unlikely. Like most "private members" bills, this one stands little chance to make it out of committee, let alone become law. End Summary.

12. (C) On May 20, the "Bill for an Act to amend the Economic and Financial Crimes Commission (Establishment) Act, 2004 and for matters connected therewith, 2009" passed its second reading in the House of Representatives. House Judiciary Committee Chairman Henry Dickson is sponsoring the bill, which specifically proposes: "in the exercise of its functions, the Commission shall not be subject to the direction or control of any authority or person." The bill is designed to make the EFCC genuinely independent and free from any outside influence, including that of the President. Currently, President Yar'Adua has complete authority over the leadership and operations of the EFCC, which he mainly exercises through his Attorney General (AG) Michael Aondoakaa.

13. (C) Chairman of the Senate Committee on Drugs, Narcotics, and Anti-corruption, Senator Sola Akinyede, told PolOff on May 20 that he does not think Aondoakaa will object to the bill since "there is nothing controversial" about it. (Note: Akinyede and Aondoakaa are former classmates and thought to be friends. End note.) He also predicted that, if it passes both Houses of the National Assembly, "the President will

sign it," despite the fact that it is a private members bill, not initiated by the executive. Akinyede also informed PolOff that the bill is scheduled for a public hearing in two weeks. (Note: to pass the National Assembly, a bill needs to be submitted in one House, the "first reading," be referred to committee, the "second reading," pass through the committee stage, where it is usually amended, then be voted on by the full house, the "third reading." It then goes to the other house to repeat the process. A bill which passes both houses is sent to the President for signature. As in the U.S., the President can veto a bill, but his veto can be overridden by 2/3 votes in both houses. In Nigeria, the process has become so cumbersome that, in the past two years, only the budget, twice, and a bill to raise Members's salaries have made it through the process and become law, and no private members bill has even made it out of committee. End note.)

¶4. (C) Comment: While Akinyede remains positive about the new bill chances, we think he is wildly overestimating the value of his friendship with Aondoakaa, who has used his power to control the EFCC to protect friends and punish enemies. We would be surprised to see this bill ever emerge from committee. End Comment.

¶5. (U) This cable has been coordinated with ConGen Lagos.
SANDERS